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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,982	09/19/2003	Tzvi Avnery	2251.2002-009	8622

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EXAMINER

MAYEKAR, KISHOR

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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12/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-5 and new claims 24 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuter et al. (US 4,595,569) in view of Helfritsch et al. (US 5,695,616). Reuter's invention is directed to a device for desulphurizing and denitrating flue gases by electron beam irradiation to which ammonia has been added prior to the irradiation. Reuter discloses in Figs. 1 and 2 that the device comprises the recited duct and first and second electron beam emitters. The difference between Reuters and the above claims is the provision that the duct has a port for introducing a reaction reagent into the duct to the gases. Helfritsch teaches in a device for treating flue gases by irradiation with electron beam the limitation (Fig. 1). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Reuters'

teachings as shown by Helfritsch because this would result in adding the ammonia to the flue gas.

As to the subject matter of claim 5, since it is not a structure, it cannot be given any patentable weight.

4. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuter' 569 as modified by Helfritsch '616 as applied to claims 1-5 above, and further in view of Namba et al. (US 5,244,552) and Hirai (US 5,015,442). The difference between the references as applied above and the instant claims is the provision of the recited reactive bed. Namba teaches in an apparatus for gas treatment by electron beam irradiation that that ozone is formed during the treatment (col. 3, lines 49-52). Hirai teaches in a device for treating air the provision of particulate catalyst to remove ozone therefrom (Fig. 1). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the references' teachings as shown by Namba and Hirai because this would result in removing ozone generated during the treatment. Further, it has been held that the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have, *In re Newell* 13 USPQ 2d 1248, *Fromson v. Advance Offset Plate* 225 USPQ 26; *In re Gyurik* 201 USPQ 552.

Response to Arguments

5. Applicant's arguments filed 24 September 2007 have been fully considered but they are not persuasive because of the new ground of rejections as set forth in the paragraphs above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

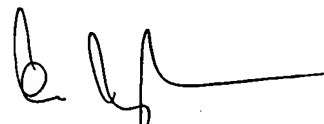
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kishor Mayekar
Primary Examiner
Art Unit 1795